IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.312 OF 1996

M/s.London Star Diamond
Company (India) Limited & anr. Petitioners
vs.
The Union of India & ors. Respondents

Mr.M.V.Jayakar with Mr.Shreyas Mehta i/b.M/s.Khaitan & Jayakar for the petitioners.

Mr.R.V.Desai, Senior Advocate with Mr.H.V.Mehta for the respondents 1 to 3.

Mr.J.K.Mistry i/b.M/s.Crawford Bayley & Co. for the respondent no.4.

CORAM : R. M. LODHA &
J. P. DEVADHAR,JJ.

DATED : 26th April, 2006

P.C.

During the course of hearing of the writ petition, the senior counsel for the revenue and the counsel for the petitioners agreed for the following order:

(i) The Joint Director General of Foreign Trade, Bombay shall decide the eligibility of the first petitioner-M/s.London Star Diamond Company (India) Ltd. for grant of additional licence against exports effected during the period April, 1989 to March, 1991 in the light of the application dated December 13, 1993 made by the first petitioner requesting the Joint Director General of Foreign Trade, Bombay to reopen the case in terms of REP

Circular No.19/93 dated 22nd November, 1993; the reply sent by the Joint Director General of Foreign Trade on 25th January, 1994 to the first petitioner informing them to furnish the Bank realisation certificates in terms of Trade Notice No.12/1991 dated 5th June, 1991 in original; original copies of the DTC licence obtained by the first petitioner during 1990-1991 period and details of excess entitlement eligibility during 1990-1991 period certified by the Chartered Accountant; the letter dated 21st February, 1994 sent by the first petitioner to the Joint Director General of Foreign Trade annexing therewith (1) original copy of DTC licence for 1990-1991 period and (2) details of excess entitlement eligibility during 1990-1991 period duly certified by Chartered Accountant and Bank realisation certificates forwarded vide letter dated 21st October, 1994.

(ii) It will be open to the Joint Director General of Foreign Trade to seek any further clarification or documents as per the existing norms for deciding the eligibility for grant of additional import licence for the relevant period and the relevant circulars.

(iii) In case the Joint Director General of Foreign Trade, Bombay is satisfied with the first petitioner's eligibility for grant of additional import licence for the exports effected during the period April, 1989 to March 1991, as per existing norms and circulars issued from time to time, the first petitioner shall be paid premium accordingly as per the relevant circulars.

(iv) The Joint Director General of Foreign Trade shall complete the entire exercise within twelve weeks from today.

(v) It is clarified that in the light of the order that we have passed today by agreement, the first petitioner shall not be entitled to any interest.

. Order accordingly.

. No costs.

(R.M.LODHA,J.)

(J.P.DEVADHAR,J.)